



**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

Tentative Notice of Action

*Promoting the wise use of land
Helping build great communities*

MEETING DATE May 6, 2005	CONTACT/PHONE Brian Pedrotti 788-2788	APPLICANT Elena Regala	FILE NO. DRC2004-00016
EFFECTIVE DATE May 20, 2005			
SUBJECT Request by Elena Regala for a Minor Use Permit to allow the relocation of the building envelope to a point approximately 175 feet northeast of the designated building envelope. The project will not result in soil disturbance. The proposed project is within the Residential Rural land use category and is located at 1262 Whispering Meadows Lane, approximately 1,000 feet northeast of Dana Foothill Road, approximately 2.5 miles north of the community of Nipomo. The site is in the South County (Inland) planning area.			
RECOMMENDED ACTION Approve Minor Use Permit DRC2004-00016 based on the findings listed in Exhibit A and the conditions listed in Exhibit B			
ENVIRONMENTAL DETERMINATION The project is consistent with the previously approved Negative Declaration (ED87-443) on March 4, 1988.			
LAND USE CATEGORY Residential Rural	COMBINING DESIGNATION None	ASSESSOR PARCEL NUMBER 090-012-012	SUPERVISOR DISTRICT(S) 4
PLANNING AREA STANDARDS: 22.112.040 – Sheehy Road, Dana-Foothill Road, upper Los Berros Road and Highland Hills Road area. limitations on use, residential density, site planning Does the project meet applicable Planning Area Standards: Yes			
LAND USE ORDINANCE STANDARDS: None Does the project conform to the Land Use Ordinance Standards: Not applicable.			
FINAL ACTION This tentative decision will become final action on the project, effective on the 15 th day following the administrative hearing, or on May 20, 2005, if no hearing was requested unless this decision is changed as a result of information obtained at the hearing or is appealed.			
EXISTING USES: None			
SURROUNDING LAND USE CATEGORIES AND USES: North: Residential Rural/residences East: Residential Rural / residences South: Residential Rural /residences West: Residential Rural / residences			
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242			

OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Nipomo Community Advisory Group, Public Works, Environmental Health, Ag Commissioner, CDF, Nipomo Community Services District	
TOPOGRAPHY: Nearly level to moderately sloping	VEGETATION: Grasses, forbs
PROPOSED SERVICES: Water supply: On-site well Sewage Disposal: Individual septic system Fire Protection: CDF	ACCEPTANCE DATE: October 29, 2004

DISCUSSION

PLANNING AREA STANDARDS:

22.112.040 - Sheehy Road, Dana-Foothill Road, upper Los Berros Road and Highland Hills Road Area

- a. Minimum parcel size – Minimum parcel size of 10 acres of gross site area. *Response: Site is 10 acres, project will not change the lot size.*
- b. Limitations on use – *Response: Proposed residence is an allowed use.*
- c. Residential density – Maximum density of 1 dwelling unit and one secondary residence per parcel. *Response: Project will not change allowed density.*
- d. Site planning – Building sites and driveways sited to reduce topographic alteration and minimize visual impacts to surrounding properties. Common driveways shall be encouraged. *Response: Proposed building envelope will be relocated to an area of similar topography, and will not increase the visibility of development to surrounding public view.*

STAFF COMMENTS:

The applicant has requested modification to the designated building site approved under an agreement by the Board of Supervisors on December 12, 1989. This agreement allowed modifications to the designated building sites on Tract 1516 through a Minor Use Permit, subject to the Planning Area Standards listed above.

Staff feels that the proposed relocation of the building site is consistent with the intent of the Planning Area Standards. The proposed modification was found to be consistent with the Negative Declaration prepared and adopted for the Tentative Tract Map for Tract 1516 because the modified location does not impact any known archaeological or botanical resources, requires similar site disturbance, and is equally as visible from public roads than the existing envelope.

COMMUNITY ADVISORY GROUP COMMENTS: Recommends approval of this project, if project meets County planning and CDF standards.

AGENCY REVIEW:

Public Works – Recommend approval, no concerns.

Environmental Health – No concerns.

Agricultural Commissioner – Less than significant impact to agricultural resources or operations.

LEGAL LOT STATUS:

The lot was legally created by a legally recorded map (Tract 1516).

Staff report prepared by Brian Pedrotti and reviewed by Kami Griffin

EXHIBIT A - FINDINGS

Environmental Determination

- A. The Environmental Coordinator finds that the previously adopted Negative Declaration is adequate for the purposes of compliance with CEQA because no substantial changes are proposed in the project which will require major revision of the previous Negative Declaration, no substantial changes occur with respect to the circumstance under which the project is undertaken which will require major revision of the previous Negative Declaration, and no new information of substantial importance has been identified which was not known at the time that the previous Negative Declaration was adopted.

Minor Use Permit

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the project is consistent with all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 22 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the project does not generate activity that presents a potential threat to the surrounding property and buildings.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the project is similar to, and will not conflict with, the surrounding lands and uses.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project does not generate additional traffic.

EXHIBIT B - CONDITIONS OF APPROVAL

Approved Development

1. This approval authorizes a Minor Use Permit to allow the relocation of the building envelope to a point approximately 175 feet northeast of the designated building envelope. The building envelope is to be relocated as demonstrated on the attached exhibit. Prior to issuance of a construction permit for the proposed structure, the revised agreement for Tract 1516, allowing modifications to the building site subject to this MUP approval, shall be recorded.

Fire Safety

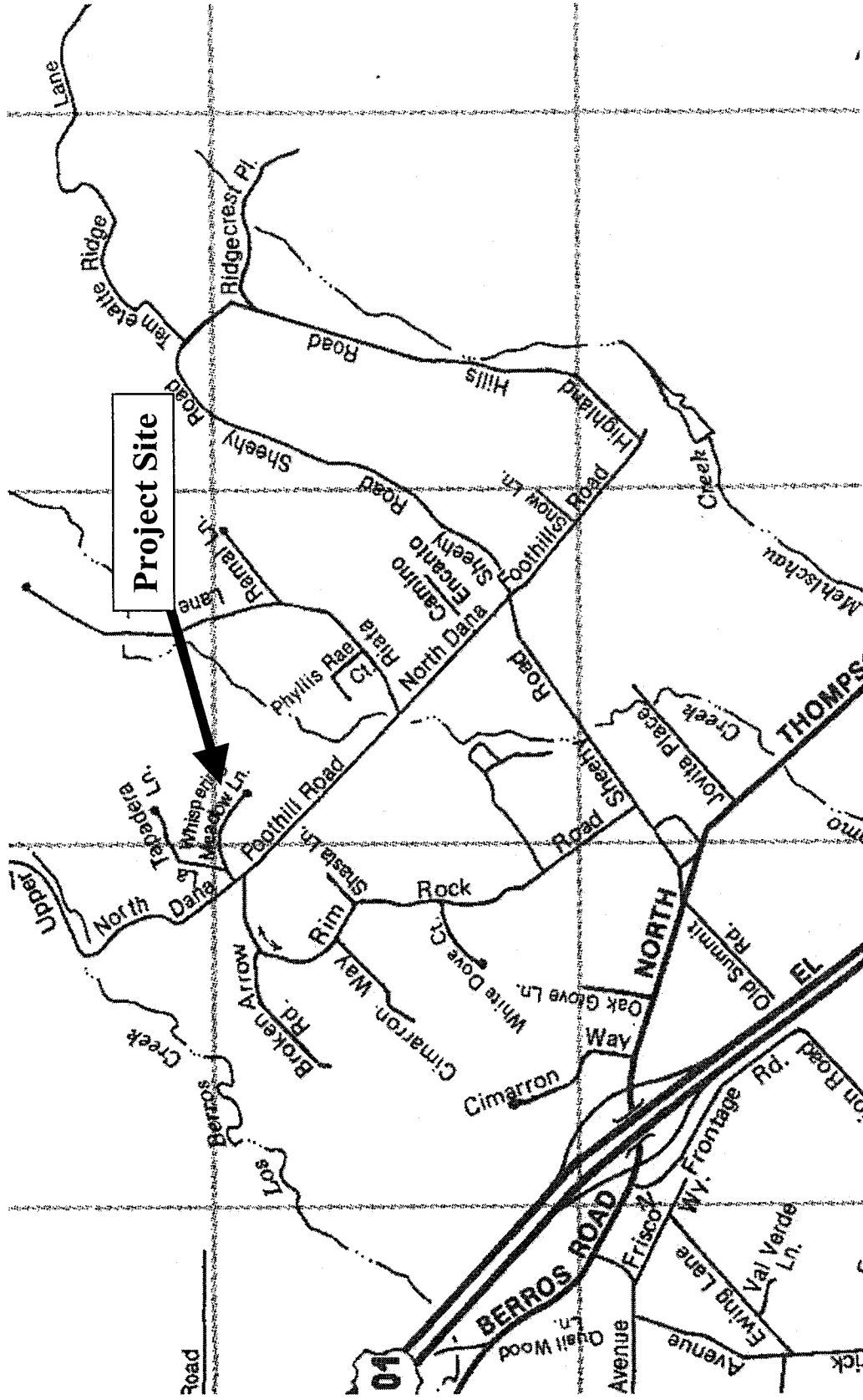
2. **At the time of application for construction permits**, all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code.

Site Development

3. Site development shall be consistent with the approved site plan.

On-going conditions of approval (valid for the life of the project)

4. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 22.64.070 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Land Use Ordinance Section 22.64.080 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.
5. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 22.74.160 of the Land Use Ordinance.



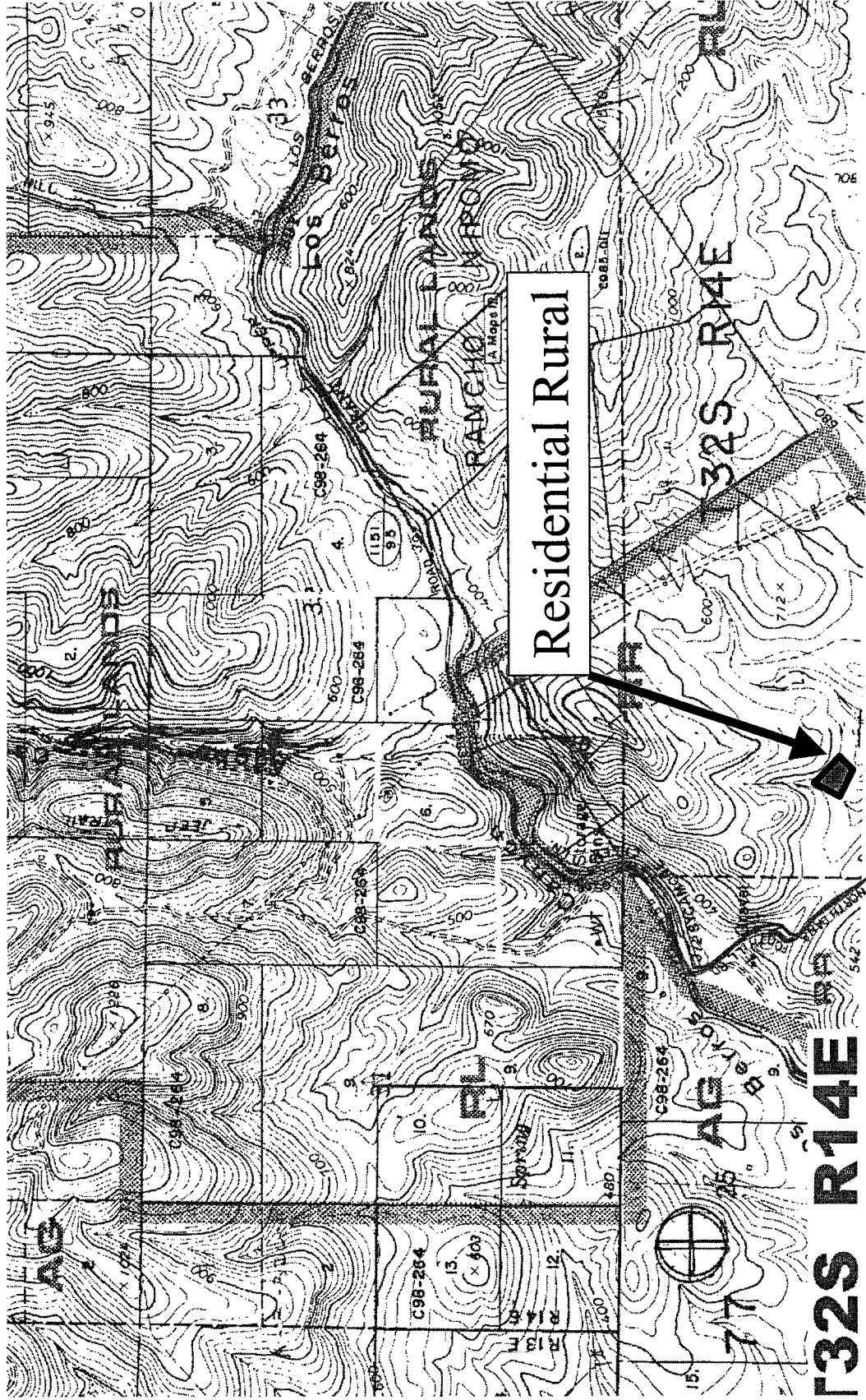
Project

DRC2004-00016 – Regala MUP

Exhibit

Vicinity Map





Project

DRC2004-00016 – Regala MUP



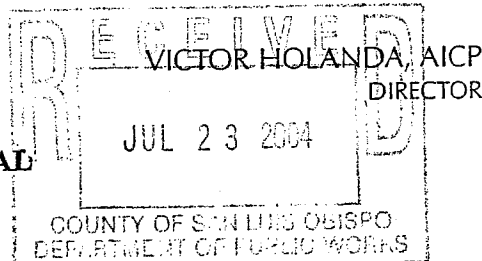
Exhibit

Land Use Map



BP

SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING



THIS IS A NEW PROJECT REFERRAL

DATE:

7/22/2004

FROM

PW

FROM:
TO

South Co. Team

(Please direct response to the above)

Regala
DRC2004-0016
Project Name and Number

Development Review Section (Phone: 781-788-2009) ()

PROJECT DESCRIPTION: mup → Nipomo, off Whispering
Meadow Ln. Northeast of Hwy. 101, 10+ Acres?
Relocating bldg. envelope to location on property
north of current location. See Maps

→ Return this letter with your comments attached no later than: 8/6/04

PART I

IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

☒ YES
☐ NO

(Please go on to Part II)

(Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

PART II

ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

☒ NO
☐ YES

(Please go on to Part III)

(Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III

INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE OR CALL.

Recommend Approval - No Concerns

24 AUG 2004
Date

Goodman
Name

5252
Phone



BP
SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

THIS IS A NEW PROJECT REFERRAL

DATE:

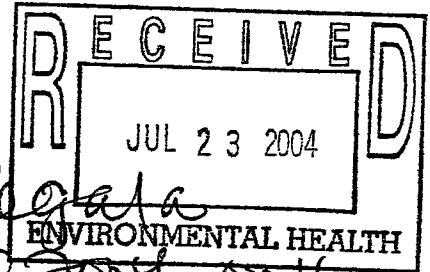
7/22/2004

TO:

Env. Health

FROM:

South Co. Team
(Please direct response to the above)



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Development Review Section (Phone: 781- 788-2009) ()

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Environmental Health has no concerns at this time.

8/4/04
Date

Lauri Salo
Name

RECEIVED
AUG 05 2004

781-5551
Phone

Planning & Bldg



COUNTY OF SAN LUIS OBISPO

Department of Agriculture/Measurement Standards

2156 SIERRA WAY, SUITE A • SAN LUIS OBISPO, CALIFORNIA 93401-4556
ROBERT F. LILLEY (805) 781-5910
AGRICULTURAL COMMISSIONER/SEALER FAX (805) 781-1035

AgCommSLO@co.slo.ca.us

DATE: August 13, 2004
TO: South County Team
FROM: Lynda L. Auchinachie, Agriculture Department *LLA*
SUBJECT: Regala Minor Use Permit, DRC2004-00016 (0932)

Summary of Findings

The Agriculture Department's review finds that the proposed building envelopes will have:

- ☐ **Potential** to create a significant environmental impact(s) to agricultural resources or operations.
- ☒ **Less than significant** impact(s) to agricultural resources or operations.
- ☐ **No Anticipated Impact** to agricultural resources or operations.

The comments and recommendations in our report are based on policies in the San Luis Obispo County Agriculture and Open Space Element, the Land Use Ordinance, the California Environmental Quality Act (CEQA), and on current departmental policy to conserve agricultural resources and to provide for public health, safety and welfare while mitigating negative impacts of development to agriculture.

If you have questions, please call 781-5914.